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DATE FILED: 6/27/13

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES N. FIEDLER,

:

Plaintiff,

:

13 Civ. 0459 (JPO) (AJP)

-against-

:

REPORT AND RECOMMENDATION

Wells Fargo Bank, N.A., et al.,

:

Defendants.

:

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ANDREW J. PECK, United States Magistrate Judge:

To the Honorable J. Paul Oetken, United States District Judge:

By Order to Show Cause dated June 17, 2013, I ordered:

Plaintiff was to serve the Amended Complaint by June 11, 2013. It does not appear on the docket that plaintiff has done so. Plaintiff is to show cause by June 21, 2013 why this case should not be dismissed without prejudice under Rule 4.

(Dkt. No. 10: 6/17/13 Order to Show Cause.) Plaintiff has neither served the Amended Complaint (at least so far as reflected on the docket sheet) nor responded to the Order to Show Cause.

Accordingly, the Court should dismiss this action without prejudice pursuant to Fed.

R. Civ. P. 4(m), and for failure to obey Court orders.

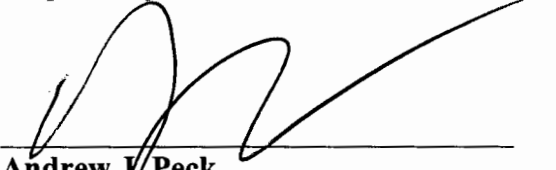
FILING OF OBJECTIONS TO THIS REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Such objections (and any responses to objections) shall be filed with the Clerk of the Court, with courtesy copies delivered to the chambers of the Honorable J. Paul Oetken, 40 Foley Square, Room 2101, and to my chambers, 500 Pearl Street, Room 1370.

Any requests for an extension of time for filing objections must be directed to Judge Oetken (with a courtesy copy to my chambers). Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985); Ingram v. Herrick, 475 F. App'x 793, 793 (2d Cir. 2012); IUE AFL-CIO Pension Fund v. Herrmann, 9 F.3d 1049, 1054 (2d Cir. 1993), cert. denied, 513 U.S. 822, 115 S. Ct. 86 (1994); Roldan v. Racette, 984 F.2d 85, 89 (2d Cir. 1993); Frank v. Johnson, 968 F.2d 298, 300 (2d Cir.), cert. denied, 506 U.S. 1038, 113 S. Ct. 825 (1992); Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989); Wesolek v. Canadair Ltd., 838 F.2d 55, 57-59 (2d Cir. 1988); McCarthy v. Manson, 714 F.2d 234, 237-38 (2d Cir. 1983).

Dated: New York, New York
June 27, 2013

Respectfully submitted,



Andrew J. Peck
United States Magistrate Judge

Copies by ECF to: All Counsel
Judge J. Paul Oetken